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C O N F I D E N T I A L SECTION 01 OF 03 CARACAS 003670

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E.O. 12958: DECL: 12/14/2026  
TAGS: [PGOV](#) [KDEM](#) [VE](#)  
SUBJECT: TWO YEARS AND LITTLE RESOLUTION IN DANILO ANDERSON  
CASE

REF: A. 05 CARACAS 02645

[1](#)B. CARACAS 00191

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Classified By: POLITICAL COUNSELOR ROBERT DOWNES FOR 1.4 (D)

[1](#)1. (C) Summary. After two years of searching for the intellectual authors of prosecutor Danilo Anderson's November 2004 murder, Attorney General Isaias Rodriguez' December 14 announcement of the so-called conclusive findings indicated the BRV is no closer to discovering the masterminds. Rodriguez announced December 15 that the suspects, outspoken journalist Patricia Poleo, Pedro Lander, and Johan Pena, all currently residing in Miami, cannot be charged in absentia. Meanwhile, he has recommended the investigations of businessman Nelson Mezerhane, Retired General Eufenio Anez Nunez, and Fernando Moreno Palmar be suspended pending the discovery of more evidence in the future. Son of Venezuelan anti-Castro militant Salvador Romani was the only suspect cleared of charges. Ironically, Mezerhane's pilot, Jesus Zurilla, has been connected to the material authors of the crime, but has never been investigated, although his ties are being used as evidence against his boss. The AG tried to blame the lack of conclusive findings on others, including Colombia, the United States, and the Venezuelan legal system, but cavils only served to further highlight his office's botched handling of the case. These findings do not rule out, however, that the BRV could trot out this case in the future to distract and intimidate the opposition. End Summary.

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Background  
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[1](#)2. (SBU) Danilo Anderson was a high-profile prosecutor tapped to handle politically-charged cases, such as the shooting deaths during the short-lived April 2002 coup and bringing treason charges against the signers of the so-called Carmona Decree that summarily dissolved the Chavez government at that time. Anderson was accused by many of extorting money from individuals in return for not filing charges, including groundless accusations, against them. Anderson was killed in November 2004 by an explosive device planted in his car. His death is believed to be linked to his alleged extortion attempts, but the BRV claims his death was part of a larger plot to destabilize the government.

¶3. (C) Otoniel Guevara, Rolando Guevara, and Juan Bautista Guevara were convicted of the actual bombing in December 2005, but the BRV is still searching for the "intellectual authors" of the crime (Ref A). The AG's office has sought, unsuccessfully, to implicate a variety of BRV enemies, including prominent opposition figures, the FBI, CIA, and Colombian paramilitaries. The cases against the actual suspected intellectual authors are based on flimsy evidence and are more of a tool to distract and intimidate the opposition than a serious investigation. In January 2006, for example, it was revealed that BRV star witness Giovanni Jose Vasquez De Armas was previously arrested for swindling and fabrication (Ref B). Local media further discredited him by revealing Colombian records that showed he was in jail at the time he claimed to have witnessed a meeting to plan the murder.

¶4. (C) AG Isaias Rodriguez initially responded by obtaining a gag order against the media, but in August 2006 was forced to admit Vasquez de Armas had lied. Armas is currently laying low, reportedly afraid of government retribution after he admitted to a journalist that the BRV paid him to fabricate his testimony. The prosecution's newest star witness, Rafael Garcia, is a former Colombian Department of Administrative Security (DAS) official incarcerated for corruption and aiding and abetting narcotics traffickers and paramilitaries. The AG claimed during his December 14 press conference that Garcia's initial statements support most of Vasquez' key accusations.

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"We dunno who dunnit, but it's not our fault"  
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¶5. (SBU) Rodriguez' December 14 announcement of the findings of the two-year investigation came just short of the deadline to conclude the case and failed to shed light on who was responsible. The AG complained frequently during the press

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conference that the legal time limit was insufficient for such a complicated case and he blamed other countries, including Panama and Colombia, for not answering requests for information in time. While not focusing extensively on the United States, he also blamed it for not assisting a Venezuelan terrorist investigation because it did not detain, extradite, or deport three of the suspects. Without this help, Rodriguez said, it would be difficult to objectively determine and prosecute those responsible for the crime. Nevertheless, he revealed some initial, "conclusive" findings.

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The Possibly Guilty but Unable to Be Accused  
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¶6. (SBU) Rodriguez said there was enough evidence to continue the investigation against outspoken journalist and BRV-critic Patricia Poleo as an intellectual author, but he could not formally accuse her as she is in Miami and Venezuelan law prohibits accusing people in absentia. Nevertheless, Rodriguez said he would still pursue a warrant for her arrest. (Note: A Catch-22 moment: any warrant requires formal accusation.) The AG said the investigation into two other material authors, Johan Pena and Pedro Lander (also in Miami) are on hold as well. Pena and Lander are former DISIP agents who, according to press reports, operated a private security firm in Caracas with Bautista Guevara. Rodriguez noted the AG's efforts to get the three deported, including meetings with the Ambassador, Legatt, and the DEA Country Attache. While acknowledging Post's help in securing a meeting for a Venezuelan prosecutor with DHS officials in Miami, Rodriguez said nothing concrete ever came of the discussion.

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The Archived

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¶17. (C) The AG said there was not enough evidence to charge businessman Nelson Mezerhane, his driver Fernando Jesus Moreno Palmar, or Retired General Eufenio Anez Nunez, though he lacked enough evidence to exonerate them. The AG thus said these investigations would be "archived pending further evidence." Mezerhane, a well-known businessman who counts noted opposition news station Globovision among his holdings, was arrested along with Anez Nunez in November 2005 for his alleged role in the crime and held for several weeks before being provisionally released. Mezerhane has told us privately that there were attempts to extort payments from him to make his Danilo Anderson problems go away. Anez Nunez participated in the October 2002 Plaza Francia sit-in of military officers opposed to the Chavez administration, one of the cases Anderson was handling at the time of his death. Former DAS official Rafael Garcia's testimony appears to be key in determining their guilt or innocence.

¶18. (SBU) Note: The Venezuelan Penal Code states that the AG's office has two years to investigate a crime before it must decide whether to charge or clear the suspects. Only the presiding judge can decide, upon review of the AG's case, whether a case can be archived. At the December 14 press conference, Rodriguez railed against this limitation and its seeming contradiction with other constitutional provisions governing the AG's authority several times. He then announced that he was going to exceed his authority by continuing to keep the cases open.

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The Exonerated and Ignored  
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¶19. (SBU) The Attorney General exonerated only one of the accused in this case. Salvador Romani, the son of an anti-Castro militant and a participant in the siege of the Cuban Embassy, was cleared of all involvement. At the same time, the Attorney General overlooked a potential suspect. One of the reasons businessman Mezerhane is not being exonerated is because prosecutors have phone calls and text messages linking his pilot, Jesus Zurilla, to the alleged assassination plot. Zurilla, however, has not been investigated or charged. When a reporter asked about this anomaly, Rodriguez didn't really answer, but said more suspects could be named in the future.

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Comment  
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¶10. (C) Opposition media outlets have used the Danilo Anderson case to show up the incompetence of the AG's office and its politicization of the case. Clearly frustrated with the media's unflattering portrayal of him, Rodriguez tried to use the press conference to defend himself by pointing the finger at others and at a law he helped to revise, and by lashing out at his critics saying things such as the AG's office "was not like the television; we don't make things up." Nevertheless, his continuous complaints and unimpressive findings did little to improve his image or bring closure to Venezuela's most notorious murder. As the BRV has made repeated use of this case to distract or intimidate the opposition, we doubt that we have heard the last of it.

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